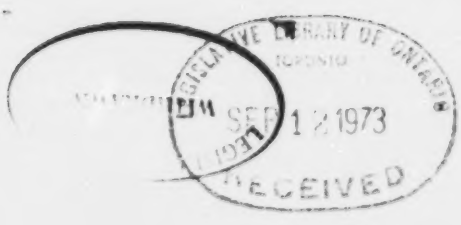
REPORT
of the
TASK FORCE
on
WORKMEN'S
COMPENSATION
in
SASKATCHEWAN



March 1973

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Regina, Saskatchewan
March, 1973.

To The Honourable Gordon T. Snyder
Minister of Labour

Sir:

We have the honour to present herewith our Report on Workmen's Compensation in Saskatchewan.

Respectfully submitted,

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(Chairman)

Dr. C.A.R. Dennis
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INTRODUCTION

Section 128 of The Workmen's Compensation (Accident Fund) Act being Chapter 284 of the revised Statutes of Saskatchewan, 1965, and amendments, provides as follows:

(1) The Lieutenant Governor in Council shall at least once every four years appoint a committee, consisting of five or more members as may be determined by the Lieutenant Governor in Council, to review and report upon all matters concerning this Act, the regulations made thereunder and the administration thereof which may be specified by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall appoint the members of the committee, shall designate one of the members as chairman and one as acting chairman and shall specify the number of members which shall consitute a quorum.

(3) The membership of the committee shall include equal representation of employers and organized employees.

(4) The members of the committee other than those whose ful' time is at the disposal of the government, shall be paid such compensation for their services and expenses as may be determined by the Lieutenant Governor in Council, and the Minister of Labour shall provide such technical, clerical and other assistance as the committee may require.

(5) The compensation and expenses of the members of the committee and the cost of technical, clerical and other assistance provided by the Minister of Labour shall be paid by the Board out of the Accident Fund.

(6) The Chairman or in his absence the Acting Chairman shall have the powers of a commissioner under The Public Inquiries Act and the committee may receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it deems fit and proper.

By an Order in Council No. 1543/71, the Lieutenant Governor in Council appointed in accordance with Section 128 of The Workmen's Compensation (Accident Fund) Act, a Task Force to review and report upon all matters concerning that Act, the regulations made thereunder and the administration thereof. Appointed to the Workmen's Compensation Task Force were: Alastair J. Muir, Barrister and Solicitor (now Judge of the Magistrate's Court), Moose Jaw, Chairman of the Task Force; Dr. C.A.R. Dennis, Director Occupational Health Branch, Department of Public Health (now Director, Occupational Health and Safety Division, Department of Labour), Regina, member; Edward S. Hlasny, Personnel Superintendent, Potash Company of America, Saskatoon, member; Nelson Thibault, Representative, United Steelworkers of America, Saskatoon, member; R.G. Fowler, Executive Secretary, Workmen's Compensation Board, (now Chairman of the Workmen's Compensation Board), Regina, member. The Task Force was appointed in early November of 1971 and in December, 1971, Larry Brown, L.L.B., was appointed by the Department of Labour as Executive Secretary of the Task Force charged with providing secretarial, administrative and research assistance.

The Task Force determined that in order for it to fulfill its obligations it was necessary that the public be invited to submit to it briefs and representations. It was determined that the briefs and submissions could

best be received at public hearings of the Task Force, and to that end it was decided that public hearings should be held in various locations in Saskatchewan during March and April of 1972. In order that the public might be fully aware that the Task Force would be receiving briefs and submissions, letters were sent to over 80 employers' groups, individual employers, such as city administrations, and trade unions; to 15 interest groups and professional associations, such as the Law Society of Saskatchewan, the National Farmers Union, and the Saskatchewan Teachers' Federation; and to every individual injured workman who had contacted the Department of Labour, registering a complaint about Workmen's Compensation. Further, extensive advertising was carried out in all daily and weekly newspapers in the province, which advertising was carried on twice --- the first time to ask the public for the submission of briefs and the second to inform the public of the schedule of the proposed public hearings of the Task Force. The Task Force originally established a deadline of February 15, 1972, for the submission of briefs but in no case was an individual or group turned down by the Task Force only because they had not complied with the deadline.

The Task Force received over 130 briefs, and over 50 letters from individuals who wished only to make the Task Force aware of their particular problems in dealing with Workmen's Compensation but did not want to submit briefs or appear at the public hearings. Over 100 of the briefs submitted, including 34 from employer and trade union groups, were submitted to the Task Force at the various public hearings at which time the presentors elaborated upon and answered questions about their submissions. No individual, group, or association that requested an attendance at the public hearings was denied the right to attend and make a presentation. In addi-

tion to the public hearings, the Task Force had very informative meetings with the Saskatchewan Medical Association and with personnel from the Medical Care Insurance Commission and other governmental departments.

The Task Force wishes to express its sincere appreciation to all those who submitted briefs and who made oral presentations. Without exception, the representatives of the various groups and the individuals who appeared before us were sincere and extremely helpful to the Task Force in its deliberations. The public hearings, particularly in Regina and Saskatoon, often lasted well into the evening and even with the long delays that were sometimes occasioned, people were unfailingly courteous. Without this cooperation and assistance the job of the Task Force would have been immeasurably more difficult, and we are grateful for all the assistance we did receive.

PART I

GENERAL COMMENTS

1. As pointed out in the introduction, the Task Force received a substantial number of briefs and submissions from employer groups and, to a lesser extent, from individual employers. While most of these briefs and submissions were very helpful to us and aided considerably the course of our deliberations, there was an underlying theme expressed to a greater or lesser degree in a fairly large number of employer briefs which we feel obliged to comment upon. Simply stated, that theme was that Workmen's Compensation was a system set up for the benefit of employees at the expense of employers. Superficially, the reality of Workmen's Compensation seems to testify to the truth of that theme. The money to finance the Workmen's Compensation system comes directly from the pockets of Saskatchewan's employers and the money paid out by the system goes in very large measure, either directly to individual employees or to pay the direct medical expenses of employees that have been injured at work. Initially then, it could indeed appear that employers pay everything and gain nothing from their participation in the Workmen's Compensation system.

2. With respect to the obvious fact that employers directly pay for the total cost of the Workmen's Compensation system, the Task Force would like to point out that there are some indirect forces at work which help to spread the burden of the expense over a much larger sector of the economy than the employer group. Firstly, Workmen's Compensation assessments which must be paid by employers to the Board, are not taxable and that in turn means that the entire population in one sense shares the burden of Workmen's Compensation Board assessments through the mechanism of reduced tax revenue. In other words, if the money payable in assessments was not paid to the Work-

men's Compensation Board, it would end up being taxable at some point. Because it isn't taxable, tax revenue must be raised elsewhere which, of course, means an increased tax load on all of the sectors of the economy. The second factor which means that indirectly other sections of the economy are sharing in the cost of the Workmen's Compensation assessments is the fact that all businesses that operate on a profit basis must extract their expenses and their profits from the prices of the commodities they are selling. Whether the business is selling a physical commodity or a service, the argument holds true. Therefore, while factors such as the availability of markets and the competitive nature of the industry influence the mechanism, it is still unarguable that in the final analysis all of the expenses of the business including the assessment payable to the Workmen's Compensation Board must be recovered from the price of the commodity. The obvious end result of this analysis is that while the individual business or company directly pays the cost of workmen's compensation, the consumer of the goods and services indirectly has the final responsibility for paying those costs. So although directly the cost of workmen's compensation is assumed by employers, it is obvious that indirectly that cost is shared by both the tax-paying public and by consumers in general.

3. The Task Force also feels called upon to point out that it is not in any sense true that all of the benefits of workmen's compensation flow to individual employees and that none flow to employers. Again, it can be said that the argument is true in a superficial sense in that most of the money expended by the Workmen's Compensation Board is expended for the benefit of individual injured workmen. However, the Task Forcewould like to refer to the report of the Royal Commission appointed to inquire into workmen's compensation for Saskatchewan, which was appointed by Order in Council

dated March 13, 1928, and which formed the basis for the original establishment of the Workmen's Compensation system in Saskatchewan. That report, first of all, pointed out that "with the elimination of the defence of common employment, the result, so far as this province is concerned, is that the employer is liable not only for his own negligence, such as the failure to provide a safe and proper plant as well as the safe and proper operation thereof, but also for the negligence of any of his workmen, who may cause injury to their fellow workmen." (Page 5). In other words the report points out that without the Workmen's Compensation system, employers could be liable to injured employees, not only for the employer's negligence but for the negligence of a fellow employee.

4. Secondly, the report points out that "the greatest uncertainty prevails as to both the liability for compensation, and the amount thereof.... Suppose an employer has the most up-to-date plant that can be erected and also has the most skilled and careful superintendents and foremen he can engage, yet one careless employee may, by his negligence, cause the death of several other workmen and the employer might be obliged to pay $25,000 or $30,000" (Page 13.) The Task Force would like to note that the figures referred to may have been applicable in 1928, but would certainly be a vast underestimation of the type of damages that would be awarded at common law today.

5. The 1928 report goes on to say that "The issuance of writs claiming large sums as damages causes financial inconvenience and embarassment to employers." (Page 13.) Further, from the same page, "A large verdict at common law may throw the average employer of modest means into bankruptcy." The report goes on to say that "The larger employers claim that they never know the cost of doing business in Saskatchewan where their liability to pay large

common law verdicts exists." (Page 14.) And again, from page 14, "Many of the contractors, probably the smaller ones, complain that they are subjected to unfair competition by reason of some contractors carrying insurance and others not carrying it." And finally on page 16, the 1928 report makes the following very important statement: "The evidence of the employers was unanimous that they wanted a new system altogether, the collective liability system, such as is in operation in Ontario."

6. At the risk of over-quoting the 1928 report, we feel the following is a very good summation of the position of the employers at that time and we also feel that it is a summation that holds true today: "It is the common law action, that causes such great uncertainty as to liability and the amount thereof, that causes financial embarassment when a writ is issued, that causes the larger verdicts which may throw the employer into bankruptcy, that makes it impossible to estimate the cost of doing business, that chiefly produces unfair competition and that engenders friction, ill will and distrust on the part of the employees towards their employers; in fact that causes practically all the objections and complaints that the employers have against the present system." In the face of such unequivocal statements, the Task Force does not feel that it can be seriously argued that workmen's compensation solely benefits employees with no real advantages accrueing to the employers.

7. While recognizing that the workmen's compensation system provides a good number of concrete advantages to Saskatchewan's employers, the Task Force would like to emphasize in the strongest possible terms that the system is and should be designed to provide assistance and compensation to injured workmen and that the system must therefore be so designed as to provide the maximum effort at meeting the legitimate needs of the workmen who have been

injured. The difficulty which we face, however, and it was a difficulty which made some of our deliberations very arduous, is that injured individuals have a very large number of quite legitimate needs but it does not necessarily follow that all of those needs must be met by the workmen's compensation system. We have had to grapple with the problem, either implicitly or explicitly, many times during the development of this report.

8. In broad terms we would like to state that working men and women in modern day society should have the right to expect that the following needs will be met: firstly, they have the right to expect that the maintenance of their approximate income levels will not become impossible if they accidentally receive a serious injury whether on or off the job. We have not tried to suggest that workmen's compensation should try to meet this need alone but will suggest further on in this report the development of a universal sickness and accident scheme. Further, we do not feel that the maintenance of income is an absolute right notwithstanding prior income levels and our comments about the income ceiling further on in this report were made within that framework.

9. We would suggest that injured individuals have a legitimate need and claim to the best medical and rehabilitative services that are available. However, for reasons which we will elaborate more fully in a later chapter, we do not feel that it is the duty of the Workmen's Compensation Board to be the sole provider of such medical and rehabilitative services.

10. While we feel that disabled individuals can claim a legitimate need for compensation for their disability, we also feel that the main thrust of the workmen's compensation system should be aimed at returning disabled

individuals to personally satisfying and remunerative activity and have therefore suggested a system of compensation which we think will accomplish that end.

11. We feel that injured individuals who must deal with the Workmen's Compensation Board have the right to know that their claim will be dealt with according to certain recognized common law principles developed for the protection of the individual and in the chapter dealing with the adjudication of claims we will be elaborating further on this point.

12. In summary, then, what we are saying is that in drawing up this report the Task Force attempted to deal with the issues by the method of first of all determining what the legitimate needs of the individuals were and then determining to what extent the workmen's compensation system should be asked to meet those legitimate needs. It was seldom easy to develop a satisfactory answer that would be universally applicable at either level but we feel that the recommendations contained in this report are, within the framework outlined above, the most fair and beneficial ones possible and that their implementation will do much to make Saskatchewan's Workmen's Compensation system a model in the field.

PART II

TOWARDS A UNIVERSAL SICKNESS AND ACCIDENT INSURANCE SCHEME - A NEW APPROACH

13. The Task Force received two submissions during its public hearings in Saskatoon, suggesting that the concept of Workmen's Compensation as presently established, while beneficial in itself, was yet rather arbitrary and illogical in that only employees are covered by the scheme and then only for certain periods during the day. A workman is covered by a reasonably adequate scheme during the 40 hours or more that he happens to be engaged in an occupation during a week. During the rest of the week he is left to deal with the whims of fate with no other protection than the minimal protection offered by our welfare systems.

14. While there were only two submissions which specifically criticized the boundaries of the present system of workmen's compensation in a general sense, there were other submissions which rather obviously necessitate the same conclusion. It was frequently suggested to the Task Force that the Workmen's Compensation Accident Fund Act be extended to bring into its protection various groups which are not now covered such as farmers, domestic workers and teachers. Again, very frequently, individual submissions pointed to problems that arise when an individual does not quite fit into the rigid pattern of an accident caused during his or her employment period. Further, several of the union groups suggested that there should be "portal to portal" coverage, or in other words coverage of a workman from the time he left his home in the morning to go to work until the time he returned to his home from work in the afternoon; a proposal which the Task Force feels is just as illogical as the present system. Under the present system, if a workman breaks his leg three feet from the plant gates he is not covered by Workmen's Compensation. Under "portal

to portal" coverage a workman who broke his leg three feet inside his front door would not be covered by Workmen's Compensation either. Both exclusions seem to be just a trifle arbitrary.

15 The Task Force is mindful of the fact that there are certain welfare schemes administered provincially and that there are certain unemployment insurance benefits and payments under the Canada Pension Plan which are available to injured individuals. However, it is painfully obvious that benefits available from the various and sundry schemes are neither sufficient nor coordinated. The Task Force strongly recommends that there should be, in the Province of Saskatchewan, a universal sickness and accident insurance scheme. The Task Force is unable to understand the logic behind a system which provides that a person who is injured while occupied in his employment is compensated by a government-established agency, but if that same individual is injured five minutes after returning home in the evening, he is in effect left out in the cold unless he happens to qualify for unemployment insurance payments and until he can qualify for welfare payments. Surely the needs of the injured individual are no less great because that injury occurred in a different environment.

16 The Task Force does not mean to suggest that a universal sickness and accident insurance system should be funded in the same way that the present Workmen's Compensation Board system is funded. Under a universal scheme, however, employer groups in the province could continue to make contributions on much the same basis that they contribute now. Payments out to injured individuals could be assessed against the areas wherein the liability arose so that, for example, one injury could be assessed against a work situation whereas another could be assessed as a home injury situation.

17. As the Workmen's Compensation Board is called upon to make exactly the same decision now, no new onus would be placed on them. Once this initial breakdown is accomplished, it seems there should be no problem in maintaining basically the same system of assessments as under the Workmen's Compensation system. Employers would be, as they are now, required to contribute to the portion of the plan that is being used to pay for accidents that occurred on a job situation. That portion of the central fund which was being used to pay for injury situations which occurred away from a work environment would have to be contributed to by a much more universal assessment. In conjuction with this universal assessment, it would be necessary to rationalize and coordinate the functions of unemployment insurance, the Canada Pension Plan, and whatever welfare benefits there are available to injured persons. The Task Force does not pretend to be in a position to describe all of the various mechanisms that would be involved in such a step. However, it is definitely felt that none of the difficulties with such a concept would be overwhelming once a clear policy decision has been made that such a concept was desirable.

18. The Task Force would like to point out that the conceptual framework that necessitates the universal sickness and accident insurance scheme has already been widely accepted in this province. The Saskatchewan Government Insurance program, the Medical Care Insurance Commission, and unemployment insurance are all very large steps towards what the Task Force has recommended. However, none of these programs can be expected to operate completely efficiently while they are operating in isolation from one another. Certainly there would have to be an expansion of benefits payable in order to achieve the universal sickness and accident insurance scheme. But the

initial step of bringing together the various agencies would do much in itself to solve the problem.

PART III

THEORIES OF COMPENSATION

19. The Task Force would like to point out that there seem to be prevalent in Saskatchewan, two distinct theories about what workmen's compensation should be. One group of people think that the Workmen's Compensation system is and should remain an income maintenance scheme while another group thinks that workmen's compensation is or should become a system of compensation beyond income maintenance in that while wages should be maintained at their approximate pre-injury level, there should be a further payment to the injured individual to compensate him for the pain and suffering involved in his injury.

20. The Task Force has noted that the present system of workmen's compensation is not entirely consistent with either theory of compensation just outlined. The scheme presently more closely resembles an income maintenance scheme but the maximum income level calculated is inconsistent with this approach. Then too, injured employees who have received a substantial permanent disability but are able to continue working at no loss of income still receive payments from the Board and this, too, is inconsistent with the income maintenance approach.

21. We would like to note that at common law the victims of accidents who are determined to be entitled to compensation are awarded damages under several different headings, including loss of future income, loss of amenities of life, loss of life expectancy and pain and suffering. It should be made clear immediately that the Task Force is in no way calling for a return to the common law system of compensation involving court action; a subject which will be dealt with further in Part IV of this report. We

note the various headings under which compensation is awarded in a court only to point out that it is a recognized principal of English law that a serious injury involves more than just a simple loss of earning ability. Given that the present system of workmen's compensation is inconsistent with pure income maintenance and thereby implicitly accepts that merely maintaining prior income is not always sufficient and given that the common law recognizes other headings besides loss of future income as bases for awarding damages, the Task Force would like to see a whole new approach to workmen's compensation developed. Before dealing with the actual type of payments we think should be made, it is necessary that we elaborate somewhat on what we believe should be the goal of the Workmen's Compensation Board. The Task Force feels strongly that the goals should be twofold; firstly to compensate people for the permanent loss of bodily function that may accompany serious injury and secondly, to provide injured individuals with all the tools and assistance that may be necessary in order for them to return to productive employment. We would digress briefly and point out that by productive employment we do not necessarily mean only a job with an income, but rather the type of employment that would enable the individual to contribute in a meaningful way to his own and society's well-being. We do not feel that rehabilitation should be aimed at getting an individual "a job", but should be aimed at giving him the skills to function in a personally satisfying way.

22. In order to meet this second goal, the Task Force feels that physical and psychological rehabilitation must become a much more important part of the workmen's compensation system. The whole subject of rehabilitation will be dealt with more fully under a separate heading, but we would point out out here that once an individual has received all the benefits of rehabil-

itation, that the next priority of the Workmen's Compensation Board should be to return that individual to personally satisfying activity. That goal, the Task Force feels, is hampered rather than helped by the present pension system, which tends to focus attention on the pension rather than on the usable skills that a disabled individual may be able to develop.

23. The attainment of the objectives indicated above would, of course, involve the expenditure of a considerable amount of money. Whether or not the Board is to assume responsibility for the development of the rehabilitation system that will be recommended further on in this report, the Board would still have to increase its placement staff in order to provide every injured individual with personal assistance in returning to satisfying and rewarding job activity. However, it is felt that the increased expenditure necessitated by this approach would be more than counterbalanced by the new system of compensation that we are now proposing.

24. The Task Force, as indicated earlier, will be recommending in this report the development of comprehensive facilities for the physical and occupational rehabilitation of injured and disabled individuals. When the Workmen's Compensation Board has access to and the benefit of the new rehabilitation facilities and once they have adopted as their priority the return of an individual to personally satisfying activity after an injury, then the Task Force feels that a new system for awarding compensation can and should be developed. Subject to what we have just said about rehabilitation, the Task Force feels that compensation should be awarded to an injured individual under two distinct headings. The first heading would be Loss of Bodily Function and the second heading would be Income Maintenance. It would be possible under the first heading to calculate a lump sum on the basis of a general formula.

Using actuarial tables, this lump sum could then be converted into a monthly or even a yearly pension. As an example of this type of calculation, let us arbitrarily assume that the loss of a leg entitles the individual to $20,000. Calculating life expectancy, interest rates, and so on, this $20,000 could be converted into a monthly or yearly continuing pension. We would like to make it abundantly clear that the figure of $20,000 is not meant to be a suggestion as to the actual value of the lump sums established, but is used arbitrarily solely for the purposes of providing an example. Another approach would be to establish a basic sum such as, for example, $3,600 per year and then to calculate the loss of bodily function pension for an individual as a percentage of that basic yearly pension. For example, an individual who was assessed at 80% loss of bodily function would receive as his basic pension 80% of $3,600 per year. The above examples are only intended to be suggestions as we do not want to blueprint the method of calculation for the pension under the heading, Loss of Bodily Function. However, we would emphasize that we see no reason for the award of pensions under this heading to be any different for a worker who earns $15,000 per year as opposed to a worker who earns $4,000 per year. We would further add that the pension assessed under the heading, Loss of Bodily Function, should be fairly minimal and basic in order to comply with the objectives of the new theory of compensation we are elaborating. And finally, we would point out that the Loss of Bodily Function pension would only be payable to those individuals who suffered a permanent disability as a result of an accident.

25. The second heading above mentioned was Income Maintenance. Specifics such as the income ceiling and the 75% level of payment will be discussed

in more detail further on. At this point we would suggest, however, that the present system of calculating pensions as a percentage disability transmitted into a percentage of future income be done away with. We would suggest that all individuals who receive a serious injury should receive full income maintenance pensions until such time as they are able to return to gainful employment. We would point out that this can only work in conjunction with the positive approach to rehabilitation and placement specified earlier. But we do not feel that a seriously injured individual should receive only a 45% pension, as an example, if he is unable to obtain gainful employment. On the other hand, we do not see any reason why an individual who was able to return to gainful employment at an income level the same as or higher than he had prior to his accident should receive 45% of his prior income merely because he is now disabled to some extent. Therefore we suggest that individuals should receive full income maintenance pensions until such time as the Workmen's Compensation Board is able to find suitable employment for the individual and that once that employment is found, the individual's income maintenance pension should be reduced so that the only amount he would be receiving under this heading would be the difference between his present earnings and his prior earnings. It should perhaps be pointed out that the basic pension awarded under the heading, Loss of Bodily Function, would contribute to the individual's present earnings. In other words, the income maintenance portion of his pension would always take into account the fact that there was a pension awarded under a separate heading. If the Board was able to find an individual employment at a rate of remuneration that would result in the combination of his employment income and his loss of bodily function pension being more than he was receiving prior to his injury, then we would suggest that his in-

come maintenance pension be cut off altogether as long as his job lasted. Perhaps our ideas would be clarified if we used another arbitrary example. We will assume that the Loss of Bodily Function pension is to be calculated as a percentage of $3,600 per annum. Then let us assume that an individual, earning $9,000 per annum, is injured at work and suffers a permanent disability amounting to an 80% loss of bodily function. His lifetime basic pension, his Loss of Bodily Function pension, would be 80% of $3,600, or $2,880 per year. While he was receiving the benefits of rehabilitation, and until he was assisted by the placement officers of the Board to return to gainful employment, he would also receive an Income Maintenance pension to maintain his income at 75% of his pre-accident earnings. 75% of $9,000 is $6,750, and therefore, because he would already be receiving a basic pension of $2,880 under a different heading, his Income Maintenance Pension would be $6,750 minus $2,880, or $3,870. If he was able to return to employment at $3,000 per year, his Income Maintenance Pension would be reduced to $870. If he was able to earn $4,000, his Income Maintenance Pension would be suspended.

26. Obviously, certain limitations would have to be drawn into such a program. For example, the individual probably could not be given the right to turn down any and all jobs offered to him by the placement branch of the Workmen's Compensation Board. While again, we want to avoid blueprinting the specific legislation that would be required, we would point out that the problem could be dealt with by the type of rule which specified that if an individual turned down two jobs in a row, the income maintenance portion of his pension could then be reduced or cut off altogether at the discretion of the Board. Of course, individuals who received no permanent physical or psychological

disability as a result of their injury would still have their pensions cut off altogether when they had completely recovered from their accident. And while individuals who were unable to maintain their employment through genuine inability to function or who otherwise lost their employment through no fault of their own should be entitled to again receive the income maintenance part of thiir pension, this could abviously not apply without limitation to an individual who lost his new job through lack of earnest effort.

27. To sum up, the Task Force feels that compensation, once the Board has access to the new rehabilitation facilities that will be proposed, should be awarded under two headings, one being Loss of Bodily Function, which would be a continuing but basic pension for individuals with a permanent disability, and the other being Maintenance of Income, which would be fully payable until such time as the individual was able to find a job or be offered a job by the Workmen's Compensation Board placement branch, at which time it would be reduced as the individual's total income from his employment and his loss of bodily function pension was increased.

28. We would note that the Task Force is not unanimous in making this recommendation with respect to the new system of calculating compensation under two headings.

PART IV

ADJUDICATION OF CLAIMS

29. The Task Force feels called upon to comment briefly on a proposal put forward by some individuals to the public hearings, the proposal that the responsibility for the adjudication of claims under the workmen's compensation system be returned to the common law courts of law. The Task Force is unanimous in feeling that such an approach would be the worst possible solution to the problems of the present system of compensation. Our system of common law is such that only a small percentage of injured workmen would be entitled to receive damages as the result of bringing an action in a court of law. The adjudication of claims is very much slower through the judicial system than through the Workmen's Compensation Board system. Further, employers who wished to dispute or slow down the process would have all the avenues of appeal open to them including appeal to the Supreme Court of Canada, an avenue which few individuals would be able to afford. Even a simple suit before one of the lower courts is a very expensive procedure when one counts legal costs and a large percentage of the award supposedly given to the individual workman would be taken up with paying for his lawyer. Those individuals who were not lucky enough to win a suit before the courts would have to pay for their own lawyer as well as a certain amount of costs for the other side, which would mean of course that not only would they not gain anything but they would be very much further in the hole. The list of arguments against involving the judicial system with the workmen's compensation scheme can go on for considerable length but the Task Force feels that the above arguments are sufficient to lay the concept to rest.

30. While agreeing that resort to courts of law would be one of the worst alternatives possible, the Task Force does not want to leave the question

of adjudication of claims at that point. It was gratifying to the Task Force to learn that many of the policies and practices of the Board relative to the adjudication of claims which, in past years, havegiven rise to serious grievances, have in quite recent years been changed and it is recognized that some of the principles which we recommend in this report have already been adopted as Board policy. The Task Force cannot commend too highly the present three-member Workmen's Compensation Board for the more realistic policies that they have been following of late. Nevertheless, we consider that we should state or restate the main principles and that, where applicable, these principles should be incorporated into the legislation which governs the Workmen's Compensation Board.

31. There is a need to promote a far greater degree of confidence than now exists in the whole system of workmen's compensation in this province. A good part of the problem could be solved by better communication between all those involved in workmen's compensation and by developing a better understanding of the purposes of the legislation. But by far the greatest need is to establish such principles, policies and procedures at all stages of the investigation and adjudication of claims as will satisfy all concerned, on the one hand that improper claims are disallowed, and on the other hand that proper claims are promptly and justly dealt with after full consideration. It is important not only that the correct decision be arrived at, but that it be readily apparent to all concerned that every possible effort has been made to arrive at the correct decision.

32. Earlier in this report the Task Force recommended the establishment of a universal sickness and accident insurance scheme. Without detracting from that goal, it is true that until such time as a more universal scheme has

been established, the boundaries of the present system of compensation must be reasonably complied with. Until such time as an extension of coverage can be legitimately accomplished by legislation, no attempt should be made to accomplish that goal illegitimately by misuse of the present Act. Therefore on receipt of the report of an accident, the Board should make such investigation as is necessary to satisfy it that the accident comes within the provisions of the Act. Some complaints were received by the Task Force from individual employers or employer associations that claims are sometimes paid in respect of accidents which did not occur on the job. While it is inevitable that this should occasionally occur, no matter how thorough the investigation, every effort should be made to prevent such an occurrence and it may be necessary on occasion to levy penalties for flagrant abuses of the legislation.

33. Ordinarily, a reasonable investigation by the Board will establish conclusively whether an accident occurred on the job, but there will be cases, for example, when men are working alone, when the claimant has no means of corroborating his claim to have been injured at work. The Task Force would like to emphasize most strongly that when ever, after a thorough investigation, there exists a reasonable doubt as to whether the individual's injuries were or were not caused as a result of an accident at work, that the doubt must be resolved in favour of the worker. To adopt any other principle would clearly be contrary to the spirit and intent of the Act and would place an intolerable burden of proof on the claimant.

34. Once it is determined that the injured worker is entitled to benefits under the Act, it should become the duty of the Board to ensure that the individual receives all the benefits he is entitled to under the legislation. Cooperation

is required, of course, from both the individual and his employer and doctor in order that the claim may be properly processed. Subject to this, however, the Board must take the initiative in acquainting the worker with his rights and in ensuring that he receives what he is justly entitled to. An injured individual cannot reasonably be expected to be familiar with the provisions of the Act or the procedures of the Board and he must therefore be given whatever assistance is necessary to ensure that his claim is properly documented and that all pertinent information is available. The onus should neither be upon the individual to prove his claim nor to ask for whatever benefits are provided under the legislation. The personnel under the Workmen's Compensation Board must, throughout all their dealings with the claimant, demonstrate to him that it is the genuine desire of the Board that the claimant should receive all that is justly due to him under the Act.

35. The Board must ensure that it has before it all relevant information and evidence necessary to make a proper adjudication of the claim. If some information is lacking, this lack should be pointed out to the claimant and he should have the activeassistance of the Board in obtaining such further evidence as may be required. The Board must assume the ultimate responsibility for insuring that any evidence which would be of assistance in adjudicating the claim and which is reasonably obtainable is, in fact, procured. Of course, it is reasonable to expect that the Workmen's Advocate, which was provided for in the legislation pursuant to the recommendation of the Task Force in its interim report to the government, will be of assistance to both the workman and to the Board in ensuring that the claim is properly documented and presented. But if the Board continues to adopt the positive attitude described above, greater confidence will be built up in the functioning of

the Board, and much will have been done to allay the fears of some injured workers that the Board seeks to deprive them of their legitimate rights under the Act.

36. The Board in communicating its decision to an individual claimant about his claim must do more than merely advise the worker of the decision reached. It must summarize the facts on which the decision has been based, and give adequate reasons for reaching that decision. Nothing short of this can be expected to satisfy the claimant that all the facts pertaining to his case have in fact been considered and that a decision based on these facts has been arrived at in a reasonable and logical manner. Further, of course, if reasons are given for the decision, the claimant is in a far better position to decide whether or not he should resort to whatever appeal is open to him. Further, the claimant's rights of appeal should always be pointed out to him in practical terms which clearly demonstrate the steps that he must take at the same time as the decision is communicated to him.

37. In the adjudication of claims, the Board must always keep in mind that the Act has conferred on them a very large measure of discretion in dealing with the facts and circumstances of each individual claim. We would refer particularly to Sections 24 to 28 of The Workmen's Compensation (Accident Fund) Act, which indicate quite clearly that it was the intention of the legislature that the Board should have the widest possible discretion in dealing with claims. It is understandable and probably unavoidable that medical reports and the reports of other experts must play a prominent

part in the adjudication of claims, but such reports are only a part, albeit an important part, of the whole evidence to be considered. The evidence of a skilled expert, while it should be carefully considered, should be considered only in conjuction with all the other evidence. Thus the Task Force feels that the Board should exercise the discretion which it has been given and not consider itself absolutely bound to reject a claim merely by reason of the fact that it is not supported by clear, medical evidence, if having regard to the evidence as a whole, the Board is satisfied that the claim is just and proper. If this more flexible approach is not taken, there exists a very great danger that the workman will be burdened with the onus of establishing his case by conclusive medical or expert evidence. We believe that it is contrary to the spirit and intent of the legislation that any such burden should be placed on the claimant.

38. We cannot emphasize too strongly the importance of every claimant being given the opportunity of appearing in person before the particular part of the Board apparatus that is responsible for making a decision about the validity of his claim, either alone or accompanied by the Workman's Advocate, or his union representative or other advisor, and feel that claimants should be encouraged to appear personally. It is difficult to understand how many of the claims coming before the various levels of the Board apparatus could be dealt with in a satisfactory manner without hearing from the claimant personally. Surely in many cases the evidence which the injured workman himself can give concerning his injury and the state of his health can provide a very useful and necessary supplement to the medical and other expert evidence and constitutes an important part of the whole evidence which it

is the duty of the Board to consider. Further, the presence of the worker before the decision-making body at the time when his claim is being considered, is the best method of satisfying the claimant that all aspects of his claim have indeed been considered by the Board. Even if the Board's decision is unfavourable, the worker will have at least the satisfaction of knowing that due consideration has been given to his case and that he has had every opportunity to present his side of the argument. It should be noted that we are not merely recommending that the Board advise the claimant of his right to appear during the decision-making process, but go beyond that to recommend that the Board should, in addition, encourage the claimant to appear and point out to him the advantage of a personal appearance. We do not, of course, mean to suggest that a personal appearance is called for in every case, but certainly before a claim is finally denied by the ultimate decision-making body, the claimant should be invited to appear in person. It is appreciated that an increased number of personal appearances by claimants will add to the administrative workload, but the handling of claims is, after all, the most important function of the Workmen's Compensation Board apparatus. If the Board has to be restructured in order to insure that adequate time is available for the proper hearing and adjudication of claims, such restructuring must take place. At this point, however, it would be premature to state positively that such changes are necessary, and we would only recommend that every effort be made to accommodate a heavier emphasis on personal appearance within present mechanisms.

39. The Board must bear in mind in its adjudication of claims that each individual claimant is, in every sense of the word, an individual. Some persons are fortunate enough to be endowed with a greater capacity than others to

recover physically and mentally from the traumatic effects of an injury or other misfortune. The fact that one injured worker can recover and be fit to return to work in two months, whereas another may take longer to recover from the effects of a similar injury does not necessarily mean that the second worker is malingering. It may well be that the physical and emotional make-up of the latter worker is such that he requires a longer period to recover. This is a factor which must be taken into account by the Board in deciding if and when compensation benefits should be cut off. Within reasonable limits, each individual must be given whatever time is necessary on an individual level for him to recover and become fit for his former employment or some alternatively productive source of employment.

40. It is well to bear in mind that the seriously injured worker faces many problems, apart altogether from his strictly physical injuries. There is the emotional shock of the injury, disruption of normal family life, anxiety over the future of himself and his family, to mention only a few. The Task Force saw ample evidence in the course of its public hearings that a workman, once injured, may be disabled and unable to do constructive work, even if the cause of the disability is not physical. The Task Force feels very strongly that psychological disabilities brought on by an accident should not be treated any differently in terms of compensation than a physical result of injury. The obvious problem is to distinguish between the accident-caused neurosis and the non-accident related. But, clearly the principle should be recognized that psychological disabilities should be equally compensable with physical disabilities. Probably where there is a question of relating the psychological disability to the accident, a particular type of medical review panel established under Section 48A of

the present Act could be the mechanism for determining the issue. The Task Force does not think it necessary to set up by legislation a distinct panel as has been done in Manitoba. However, when a workman has requested a review panel under Section 48A consisting of specialists in physical disabilities, either these specialists or the Workmen's Compensation Board should be able to request that there be consultation with appropriate specialists, such as psychologists or psychiatrists, before a report is submitted to the Board.

41. Few problems connected with workmen's compensation have given rise to more grievances than has the question of pre-existing conditions. Members of the Task Force were glad to learn that the policy of the Board in this connection has changed. We believe, however, that this is too important a matter to be left to Board policy and that the problem should be clearly dealt with by legislative amendments. The problem, of course, is that in the past many workers who were functioning quite satisfactorily at their place of employment prior to an accident have had their claims rejected or their benefits drastically reduced because it was found that they had had a previously existing condition, although it had not, prior to the accident, manifested itself in any physical disability. Present Board policy states that an individual who was injured at work may indeed have had a pre-existing condition, but if in fact prior to the accident that condition did not affect his ability to perform his work, there is no sound reason that the pre-existing condition should in any way affect his right to compensation. The Task Force strongly commends this policy and would like to see it incorporated in the Act.

42. The Task Force has been assured by people within the Workmen's Compensation Board that the injured individual is always given the benefit of the doubt in any decision as to whether he is entitled to compensation. However,

submissions to the public hearings of the Task Force made it clear that the Board should make more effort to communicate this policy to individuals who were appearing before it, in that certain workers expressed their feeling that they had to prove their claim before they were entitled to compensation, rather than it being assumed that they were entitled to compensation until it had been established to the contrary. The Task Force recommends that for the purposes of clarification, a clause should be added to the legislation specifying that whenever, after having considered and weighed all the evidence pertaining to a particular claim, there exists in the minds of the Board a reasonable doubt with respect to any aspect of the worker's claim, the doubt must be resolved in favour of the individual worker.

PART V

ADMINISTRATIVE STRUCTURE

43. The Task Force received some submissions in the course of its public hearings calling for the resignation of the Workmen's Compensation Board. While the three-man Workmen's Compensation Board has been reconstituted since the time of the public hearings, the Task Force has been informed that certain submissions are still being made to the government with respect tothe resignation of the new Board. The Task Force would like to make it clear that it has the highest respect for the personal integrity and humane attitude of the three individuals presently serving on the Board. Perhaps surprisingly, comments made to the Task Force all dealt with the individuals serving on the Workmen's Compensation Board and did not deal with changes in the administrative structure as specified by the Workmen's Compensation (Accident Fund) Act, except with respect to appeals from the Board, which was suggested on occasion.

44. The Workmen's Compensation Board, as presently constituted, has in effect three jurisdictions. They have, firstly, the ultimate appellate jurisdiction over the claims of individual injured workmen. There is in the statute a fairly effective privative clause prohibiting appeals beyond the Workmen's Compensation Board to courts of law. For basically similar reasons to those elaborated upon in Part IV, dealing with the return of the responsibility for adjudication of claims to the common law courts, the Task Force would strongly recommend retention of the privative clause prohibiting appeals to the courts. And the Task Force would agree that the three-man Board is still the most legitimate repository for the appellate jurisdiction over individual workmen's compensation claims. The addition of a further appeal mechanism would not, of

itself, provide a fairer hearing to individuals who think they have been wrongly dealt with. Then, too, immediately there was an adverse decision from the appeal body, there would be calls for appeal rights from the first appeal. Hopefully the changes recommended by the Task Force in the compensation system, and the appointment of the Workman's Advocate, will go a long way toward satisfying all individuals that they have been fairly dealt with, without resorting to an appeal procedure beyond the Board.

45. The second jurisdiction of the three-man Compensation Board is administrative in that the Board presently has the ultimate administrative authority within its organization. The Task Force can see no quarrel with the retention of this administrative jurisdiction by the Workmen's Compensation Board as presently constituted.

46. The third jurisdiction is, in a very real sense, an overlapping one in that it incorporates aspects of the appellate and administrative jurisdiction outlined above. We would call the third jurisdiction one of policy because although we recognize that the Board must make all its policy decisions within the framework of the Workmen's Compensation (Accident Fund) Act, we still submit that there are a good number of important policy decisions which must be made regarding assessments and benefits payable which policy decisions are presently made by the Board. As an example of what we mean by policy decisions we would point to two fairly major policy changes that have been made within the Workmen's Compensation Board within the last few years; decisions which had a major effect on a good number of individual injured workmen but which did not require changes in the legislation in order to implement them. Firstly

we would mention pre-existing conditions; the Task Force has been given to understand that Board policy now is that whether or not there was a pre-existing physical condition is not important if that physical condition had not manifested itself in any physical disability prior to an accident. In the past, if a workman was perfectly physically capable of functioning adequately in his job, but had a latent physical condition which was aggravated by an injury at work, the Board used to significantly reduce the amount of the disability that they said was caused by the accident on the basis that the individual had this pre-existing condition. Another change in Board policy relates to the percentage of disability that an injured workman is assessed as having. It used to be that the Bell tables which specified that a missing arm was automatically a certain percentage disability were followed religiously by the Board in assessing partial disability claims. The Task Force understands that now the policy is to use the Bell tables as a minimum and to say, for example, that someone who loses his right arm has, as a minimum disability, that percentage specified by the Bell tables, plus whatever percentage above that is necessary to compensate him for his reduced ability to maintain an income. We repeat that both of these decisions had a major effect on a large number of injured workmen and that both changes were made as a result of changes in Board policy unaccompanied by changes in legislation.

47. The Task Force is concerned that there should be a more adequate mechanism for input into Board policy from people outside the three Board members. There are several reasons for our concern in this regard. Firstly, while it is true that there is in one sense representation from both employer groups and unions on the Board as presently structured, it is also true

that there are many groups with a legitimate interest that do not have or will not have any formal avenue for expressing their policy concerns to the Board. It can hardly be argued, for example, that all the employer groups in the Province of Saskatchewan speak with one mind and therefore can be adequately represented by one individual. Similarly, there is a divergence in views between some of the union groups in the province which makes representation by one individual, at least to some extent, ineffective. Further, the Task Force will be recommending later in this report the extension of the workmen's compensation coverage to farmers who hire employees and to school teachers. The province's farmers could hardly be expected to view either an employer or union representative as their only spokesman.

48. A second reason for our concern with respect to the policy jurisdiction of the Workmen's Compensation Board is that the Chairman of the Board, by statute, and the members, in practice, have a tenure of office of considerable length. It is always true to a greater or lesser degree that individuals who have been engaged in a certain occupation for a lengthy period tend to lose their ability to accept or see the need for new approaches. We would suggest that the unfortunate effects of this tendency can be avoided if new people with new approaches are periodically given access to the policy deciding jurisdiction of the Board.

49. Thirdly, we would submit that there would be less pressure on the three individuals presently comprising the Workmen's Compensation Board in the sense of possible public disapproval, and that there would be less individual distrust of Board procedures, if the public could see very clearly that the policy decisions of the Board were not always made by the same

three individuals acting in isolation, but were made in conjunction with a wider selection of individuals. People who disagreed with particular Board policies would have a greater tendency to feel that their points of view had been adequately represented before the Board and therefore would be less suspicious of adverse decisions.

50. Fourthly, while theTask Force feels that the overall review of workmen's compensation legislation and administration necessitated by the provisions of The Workmen's Compensation (Accident Fund) Act is a very worthwhile undertaking and should be continued, we would suggest that such reviews only once every four years are not altogether adequate. Especially if the other recommendations of the Task Force are implemented there will be a large number of important policy decisions which must be made in the next three or four year period. Then too, the committees of review required by the Act are established by the government and report to the government which usually tends to mean that the recommendations will centre around legislative changes, and as we have tried to point out there is a difference between legislative changes and policy changes. Therefore we just do not feel that the overall review once every four years is adequate.

51. For all of the reasons expressed above, we feel that there should be a wider policy input into the Workmen's Compensation Board system on a continual basis. We would re-emphasize our agreement with the retention of appellate jurisdiction and administrative jurisdiction within the present three-man Workmen's Compensation Board. However, we would suggest that some alternative structure should be developed which would allow for continuing community involvement in policy decisions made with respect to workmen's compensation. Once again in this area, the Task Force does

not necessarily want to blueprint the type of approach that we feel would be the most satisfactory one in this regard. However, we will outline by way of example two approaches which would come closer to meeting the objectives outlined above. It would be possible to develop a type of commission structure which would have no appellate jurisdiction and no jurisdiction over particular administrative decisions, but which would have either an advisory or decision making role with respect to workmen's compensation policies. The suggested commission should be made up of part-time people, meeting perhaps once a month or so as it would appear necessary. Membership on the commission could be made up of persons appointed once a year representing the Saskatchewan Federation of Labour; Retail, Wholesale and Department Store Union; the Injured Workers' Association; the Saskatchewan Medical Association; the Saskatchewan Teachers' Federation; a recognized farming organization; employer organizations, and so on. Another alternative would be to have the present three-man Workmen's Compensation Board continue as full-time Board members, but to appoint extra Board members on a part-time basis with the understanding that the part-time Board members would only meet once every month or so to decide policy matters and would not deal with individual claims or particular administrative decisions. In any event, whatever the exact nature of this structure developed to provide for wider input into policy decisions of the Workmen's Compensation Board, the Task Force feels that the mechanism should provide a continual input of information and programs from outside of the full-time administrators of the workmen's compensation system.

52. We would note that the Task Force is not unanimous in making this recommendation with respect to the policy input mechanism.

PART VI

COMPENSATION BENEFITS

The Income Ceiling

53. If the earlier recommendation of the Task Force with respect to the awarding of compensation under two headings, with the maintenance of earnings heading providing a temporary pension until such time as the individual becomes able to return to gainful employment, is adopted, it would be inadvisable to retain the present maximum of $8,400 as the maximum income considered for the purposes of awarding compensation. While it is true there would be in one sense a higher expenditure under the proposed new system of compensation, it would be more than compensated for by the fact that income maintenance pensions in almost every case would be reduced or eliminated as the individuals were re-fitted into the work environment. Once an individual had regained his former earning power, the only pension payable would be the pension calculated on the basis of functional disability as earlier discussed.

54. However, even if compensation is to continue to function under more or less the present philosophy, there are some fairly pertinent comments which must be made about the retention of a maximum earning reckoned provision in the legislation. One of the most cogent arguments against removing the ceiling altogether, of course, is the cost factor, a factor which will be discussed somewhat later in this report. Further, there is the argument that a state-sponsored system should not be maintaining some individuals at an unfairly high rate of compensation as compared to others in the system. Opposed to that is the argument that the time to level incomes is not after someone has already suffered the trauma and misfortune involved in a serious accident. The present system which

usually involves the maintenance of the ceiling at a certain level for a number of years and then a large numerical jump at intermittent periods in an attempt to bring the ceiling into conformity with present wage scales leads to unnecessary difficulty when such changes are accomplished. During those periods between increases in the ceiling, an injured worker who was earning a fairly high rate of remuneration suffers a considerable drop in income as a result of an accident; something that the Workmen's Compensation system theoretically was designed to minimize. Removal of the income ceiling altogether or the addition of a permanent escalator provision in the legislation with respect to the ceiling would remove the administrative and practical uncertainty that presently surrounds a change in the ceiling.

55. The Task Force feels that after having considered all the arguments expressed above, the fairest and most logical approach would be to raise the maximum earning reckoned to $10,000 per annum. We recommend that this new ceiling take effect on January 1, 1974, in order to give the Board and employers adequate time to make provision for it. Accompanying this should be the introduction of a formula requiring the Board to increase the ceiling by $1,000 whenever its records reveal that 10% of the injured workmen in any given year earn in excess of the current maximum. We would point out that raising the ceiling to $10,000 would mean that very few injured employees will be earning in excess of the ceiling. Because of the fairly small number of employees who have earnings in excess of the present ceiling of $8,400, the cost of raising the ceiling to the suggested level should not be unreasonable.

Minimum Pensions

56. The present minimum pension payable to a totally disabled individual is $40 per week, or his actual earnings at the time of the accident, whichever is lesser, which amounts to $173.33 per month. The minimum pension payable to a partially disabled individual is calculated as a percentage of that $40 per week. For example, if an individual has been assessed at a 50% level of disability, then the minimum pension that he can receive is 50% of $40 a week. The Task Force does not feel that the present minimum pension is adequate, particularly when it is remembered that the legislature of the Province of Saskatchewan has determined that an individual who is working full-time in the province should not be paid less than $1.75 per hour for a 40-hour week, which amounts to approximately $303 per month. If this is the minimum that the legislature has specified can be paid to a working person in the province, then it seems clear that the minimum pension payable by the Workmen's Compensation Board should not be as comparatively inadequate as it is presently. Therefore, the Task Force recommends that the minimum compensation payable to a totally disabled person be increased to $250 per month. The Task Force intends this recommendation to apply to partially disabled individuals as well, in that an individual at a 50% level of disability would now reeeive a pension calculated as 50% of $250 per month.

57. We would point out that this recommendation will affect 1,555 permanent partial and permanent total disability pensions. Calculations supplied to us indicate that to raise the minimum pension in the manner that we have suggested would require increased funding of $3,500,000. We are assured by the Workmen's Compensation Board that this sum, while signifi-

cant, can be provided without an undue strain on the finances of the Board and without an undue increase in the assessments levied against employers.

58. We would note that the Task Force is not unanimous in making this recommendation with respect to minimum pensions.

75% of Prior Income

59. Within the limits of the income ceiling, compensation to injured workmen is now assessed at the rate of 75% of the workman's income at the time of the accident so that a totally disabled individual would receive 75% of his previous income as a 100% disability pension. In the briefs and submissions presented to the Task Force at the various public hearings the 75% of income provision came in for a good deal of comment. The employee groups almost unanimously took the position that to maintain the 75% level of payment meant that a good number of employees were being paid much less on compensation than they would have been earning had they continued to work. On the other hand, the employer groups almost unanimously alleged that if the 75% of income provision was not there, a large number of employees would be paid more on compensation than they had been paid while they were working. In fact, both of these groups were, to some extent, right and both could prove it. Those individuals who had a very small income at the time of their accident and who then had to face a 25% reduction in that level of income would, of course, be provided with a much lower take-home pay than prior to their accident. On the other hand, The Income Tax Act specifies that benefits under Workmen's Compensation are not taxable and therefore if the 75% of income provision was removed, those employees who had a substantial income at the time of the accident

would receive more on compensation in terms of take-home pay than they had been receiving while working.

60. The Task Force does not feel that it should be the goal of the Workmen's Compensation system to maintain injured individuals at exactly the same level of remuneration as they had been receiving prior to their injury. We would suggest that one of the goals of Workmen's Compensation should be to maintain disabled individuals at a level of income that is not unreasonably out of proportion to what they were receiving prior to being injured. A pension which exactly equalled the pre-accident income would give rise to fears about malingering. Further, Workmen's Compensation, while a government-legislated organization, is still a type of income insurance scheme, and it is a universal feature of income insurance schemes that they do not maintain individuals at exactly the same level of income that the individual insured had been earning while employed. We would point out that the Task Force's recommendation with respect to the minimum pension payable would mean that only those individuals who had an income of over $4,000 at the time of their accident would receive the 25% deduction from their prior income. Employees who had been earning $3,000 at the time of their accident would receive their full income while employees who had been earning between $3,000and $4,000 would face varying deductions in order that their minimum pension would be kept at $250 per month.

61. There are certain rather more practical considerations involved in discussing the 75% of income provision. The Task Force definitely would not recommend that an individual's take-homepay should be higher after an accident than before. Any attempt to maintain an individual at precisely the

same level of income by deducting from his pension that amount which would have been deducted by income tax had he still been working would be an administrative impossibility. And even if the administrative difficulties could be ironed out, the Task Force feels that the cost to the Workmen's Compensation system of removing the 75% of income provision would be prohibitive. Therefore, the Task Force recommends that the present system of compensation which awards pensions on the basis of 75% of income at the time of the accident be maintained.

62. There are a couple of other considerations in this general area of deductions as well. For one thing, it is sometimes mentioned that an injured worker does not have to make contributions to the Canada Pension Plan and that this amount should therefore be deducted from his payments. At the same time the fact that this injured individual does not get any benefits from the Canada Pension Plan is most often ignored. The Task Force strongly recommends that the Workmen's Compensation Board should arrange with the administrators of the Canada Pension Plan that the Board will calculate the amount required and contribute it to the Canada Pension Plan on behalf of the individual injured workmen.

63. Finally, there arises the matter of deductions made for payments to the Unemployment Insurance Commission. Apparently, an individual workman who has been on compensation for a certain period becomes disqualified from receiving unemployment insurance benefits. This would mean that an injured workman who was on compensation for the specified period and subsequently returned to work for less than six weeks would be unable to qualify for unemployment insurance. This consideration could obviously

be of great importance to some individuals and the problem should therefore be corrected. The Task Force recommends that the Workmen's Compensation Board should make arrangements with the Unemployment Insurance Commission to maintain unemployment insurance payments while the injured individual is on compensation. We would only point out that until such time as the new theory of compensation which we have proposed is adopted, it should not be necessary for the Workmen's Compensation Board to make deductions in respect of unemployment insurance for those individuals on a permanent disability pension.

64. We would note that the Task Force is not unanimous in making this recommendation with respect to the 75% of income provision.

Widows and Widowers' Pensions

65. The Task Force has noted that there is a discriminatory difference in the awarding of pensions to a widow as opposed to a widower of a worker who is killed on the job. The Royal Commission on the Status of Women, which was appointed by the federal government, recommended that pensions be awarded equally to surviving husbands or wives. The Business and Professional Women's Clubs of Saskatchewan in a brief to the Task Force reinforced that same point of view. As the legislation presently stands, a widow is almost automatically entitled to a pension, while the widower has to be "an invalid husband" before he can receive any pension on account of his spouse's death. Concern over this type of sexual discrimation is more than merely academic or theoretical. One of the great number of necessary steps for women if they are to achieve equal status with men in our society is for women to achieve the goal of economic equality with men and that, in turn, means they must have equal access to the job market and

equal remuneration from that market. The present system of awarding pensions which makes a pension payable to a widow virtually automatically but not to a widower means that the male's position as the economically dominant partner is reinforced. To put the matter bluntly, the male cannot afford to rely heavily on the female because in the event that she dies, he is put to the difficulty of proving that he was invalid and reliant on her before a pension will be payable to him. It is much easier for a female to rely heavily on the male because even if he is killed, there will be some sort of pension continuing. The result is a clear pressure against women supporting themselves and for women to be economically subordinate to their husbands. Therefore, the Task Force recommends that all reference to "an invalid husband" be removed from the Act and that pensions hereafter be awarded equally to dependent husbands or wives of workers who are killed during the course of their employment.

66. With respect to the amount of pension paid to dependent widows and widowers, the Task Force would point out that prior to January 1, 1972, the monthly pension was $127.50 and since January 1, 1972, has been $133.90 per month. There is also an additional payment of $52.50 per month which is increased upon the death of the widow or invalid husband to $65.00 per month for each child under the age of 16 years. The Task Force is not satisfied that the pension paid under this heading is yet sufficient. We would note that there are benefits payable to a widow under another universal income assistance plan, namely the Canada Pension Plan. We would also note that the surviving spouse of the deceased worker is not necessarily unable to obtain employment on his or her own behalf. We would also point out that there are some 411 widows presently receiving pensions from the Workmen's Compensation Board

and some 646 children, so that the cost of any raise in pension payable to a dependent surviving spouse or to the children of the deceased worker will be significant. Therefore, the Task Force recommends that the pension payable to a dependent surviving spouse of a worker who is killed during the course of his or her employment be increased to $150 per month. We would further recommend that the pension payable in respect of a child be increased to $60 a month and that the pension payable to orphans be increased to $80 per month. The cost to the Workmen's Compensation Board in increasing the spouse's pension in the manner above suggested will be $1,200,000 and the increase in children's and orphans' pensions will cost the Board some $300,000. Again, we are assured by the Workmen's Compensation Board that this sum can be provided without an undue strain on the finances of the Board.

67. We would note that the Task Force is not unanimous in making this recommendation with respect to the amount of pension payable to the dependent surviving spouse of a deceased worker.

Pension Escalation

68. The Task Force realizes that there are two separate but related problems under this general heading. The first problem is providing for reasonable increases in pensions awarded presently or in the future and the second involves increases in pensions awarded in the past so that they may brought up to an equitable level.

69. With respect to pensions awarded in the past, the Task Force would like to advise that it is to some extent bound by realities which it is in no way responsible for. The present system of Workmen's Compensation has been in existence in this province for over 40 years and to reach back into

the past and increase substantially all pensions awarded since the beginning of workmen's compensation would be, to put the matter simply, an economic impossibility. An earlier recommendation in this report was that the minimum pension payable to totally disabled individuals be increased to $250 per month with a corresponding percentage increase in the minimum pension payable to partially disabled individuals. That recommendation alone, as was pointed out, will mean an additional $3,500,000 liability to the Workmen's Compensation Board. To go beyond that and recommend major revisions to, or increases in, partial disability pensions would be, we repeat, economically impossible.

70. However, having made that point as strongly as possible we would also like to point out that we are very concerned that there have not been in the past regular increases in total disability pensions in order to enable these pensions to keep pace with the increases in the cost of living. There have been some increases in these pensions but they have been infrequent and insufficient. It should also be noted that the remuneration for any specific job has increased dramatically in the past few years and no attempt has been made to cover this in the previously awarded pensions. We feel that those individuals who were assessed at a 70% or lower level of disability are the most likely to be able to supplement their Workmen's Compensation pension through employment. We are most concerned about those individuals who were assessed at a 70% or greater level of disability, because they are the least likely to be able to find alternative sources of income. The Task Force has already recommended what it feels will be a partial solution to the problem in recommending that the minimum pension payable for a total disability be increased to $250 per month. However, we do not feel that this is sufficient

for all those individuals with a high rate of disability and would therefore recommend that all permanent disability pensions where the disability was assessed at 70% or over be reviewed and that for every year that these pensions have been in existence 2% be added to the total amount of the pension with consideration being given to pension increases that have been more generally legislated. For example, if an individual had a total disability pension in effect for 10 years and during that 10-year period there had been one 5% increase in general pension levels, then he would be entitled to 10 times 2% minus 5%, or in other words, a 15% pension increase. Because of the cost factor, the Task Force does not intend to suggest that the actual payment of these pensions should be retroactive, unless the government is willing to contribute from the consolidated fund; if provincial assistance is not forthcoming, we would recommend that from the date of the new calculation onward, the pension should be payable at the increased rate. The approximate cost to the Workmen's Compensation Board in escalating pensions in the manner suggested will be $500,000.

71. The Task Force feels that a further point must be made with respect to previously awarded pensions. We have recommended a new system of compensation for all those individuals who are injured presently or in the future in that they would be given a 100% disability level of compensation under the heading Income Maintenance until such time as they were able to return to the working environment through the much more active and positive assistance of the expanded rehabilitation facilities, which will be dealt with in more detail further on in this report, and the placement officers within the Workmen's Compensation Board. We have recommended that once disabled individuals do return to the work force that their income maintenance pension would be reduced in an amount depending on the amount they were able to earn in their

new job. There are, to understate the case, a significant number of problems involved in trying to fit this new concept onto pensions awarded in the past. Adequate rehabilitation services have not been available to the Workmen's Compensation Board; the Board's Placement Division has been understaffed; individuals in the past have been assessed at a rate of disability after which they continued to get a pension based on that rate, notwithstanding that in some cases they may have been able to return to work at a higher salary than before their accident. There are approximately 2,507 pension payments made by the Board in varying amounts each month. To re-open that many individual files and try to determine which individuals have been able to return to work and which haven't, which individuals have been able to match or increase their pre-accident income, which individuals need the services of an expanded rehabilitation branch and which individuals could profit by the help of the Workmen's Compensation Board placement people, seems to be a completely impossible task, especially if the Board were to be asked to try and undertake it all at once. In addition, the Task Force would not like to recommend that individuals who were injured in the past and were promised that they would have an 80% or 100% disability pension for life should now be told that as a result of their re-assessed earning ability their life-long pension will no longer be available to them.

72. Basically, the Task Force is saying, then, that if the new philosophy of compensation is to be implemented, that there must be a practical cut-off date beyond which point all new pensions will be awarded under the new system and before which point all pensions will be awarded according to the old rules and the old concepts.

73. We have recommended that steps be taken to bring disability pensions awarded

for those disabilities assessed as being in excess of 70% more into line with economic realities. We have also outlined a new theory of compensation whereby the amount awarded in respect of income maintenance would be varying and would be reduced as the earning power of the injured individual was increased. But even if the new theory we have outlined is adopted, there will still be some individuals who are so totally, either physically or psychologically, incapacitated that they will be unable to return to productive and remunerative employment. In any event it seems clear that neither of the steps just referred to provide a solution to the effect of recurring increases in the cost of living on the real value of pensions awarded by the Workmen's Compensation Board.

74. The Task Force notes that the average increase in the consumer price index during the years 1964 to 1971 was 3.5% per year. Further the general predictions of most leading economists are that an increase of not less than 3% annually can be expected in the reasonable future. Provision for an upward adjustment in pensions is contained in the compensation Acts of only two provinces in Canada; namely British Columbia and Quebec. In British Columbia for every 2% increase in the consumer price index during a calendar year, pensions are increased 2% for the succeeding year. Minimum compensation rates are increased accordingly. In Quebec, the annual pension increase is limited to 2%. The Task Force is impressed with the system in use in British Columbia as a much better alternative than merely leaving pensions basically static with a few upward increases on an infrequent, periodic basis. Therefore the Task Force recommends that all permanent partial disability pensions be increased 2% for every 2% rise in the cost of living in Saskatchewan.

74A. With respect to totally disabled individuals, the Task Force does not feel that the escalation formula above described is adequate. It must be remembered that very few individuals who will remain free to complete within the work force actually maintain their position at a static level. Almost all individuals either receive promotions or salary increments based on length of employment. Even if there are some isolated individuals who do not receive promotions or salary increments based on length of service, it must be pointed out that it would be impossible to find a job that pays exactly the same in 1972 as it did in 1962. Individuals who are assessed at a 100% level of disability cannot at this point realistically be expected to re-enter the job market. The Task Force feels that disabled individuals who are assessed at less than 100% level of disability have a much greater opportunity, particularly in conjunction with the new theory of compensation, and the new emphasis on rehabilitation and re-placement attendent thereon, to participate in promotions, wage increments based on length of employment, or general wage increments for job classifications. Therefore, the Task Force recommends that all pensions awarded to individuals who are permanently and totally disabled be increased each year by a percentage equal to the average percentage wage increase acquired by the work force in Saskatchewan as calculated by the Saskatchewan Department of Labour. In no event should this percentage increase be lower than the increase calculated on the formula of 2% for every 2% rise in the cost of living.

75. We want to point out in the strongest possible terms that the escalation formula as proposed above will be extremely expensive. Rough calculations indicate that the cost to the Board would be in excess of $20,000,000 to implement the proposed escalation formulas. Therefore, we definitely

do not recommend that the escalation formulas be implemented immediately. Such escalation formulas can only be implemented in conjunction with the new theory of compensation with its more positive emphasis on rehabilitation and return to work and with the income maintenance portion of the pension being payable only to those individuals who are unable to return to some form of employment. In addition, we will be recommending that the responsibility for medical and hospital payments be transferred from the Workmen's Compensation Board to the Medical Care Insurance Commission andthe Saskatchewan Hospital Services Plan and we will be making an additional recommendation that the workmen's compensation coverage be extended to cover new employment groups which, hopefully, will increase revenues to some extent. We do not feel that the escalator formulas can be implemented without the corresponding implementation of the three recommendations above mentioned, particularly the recommendation with respect to the new theory of workmen's compensation pensions.

Medical Expenses

76. There is, in Saskatchewan, a universal medical care insurance scheme administered by the provincial government which pays the medical and hospital expenses of all employers, employees and the general public with the one exception to the rule being medical expenses for those employees that were injured while engaged in an occupation. The medical and hospital expenses of injured workmen who are covered by the workmen's compensation system are the responsibility of the Workmen's Compensation Board. The Task Force can find no logical reason for the retention of this responsibility by the Board. We would suggest that the explanation for the original assumption of the responsibility for medical and hospital costs of injured workmen is that at

the time Workmen's Compensation was originally conceived and implemented in this province there was no universal scheme of medical care insurance. Now that there is a universal insurance scheme for medical expenses, the Task Force would most strongly recommend that the Board no longer should retain the responsibility for the payment of medical expenses for injured workmen but that this responsibility should be transferred to the Medical Care Insurance Commission and the Saskatchewan Hospital Services Plan. We would point out that not only is it illogical to have a universal plan which isn't quite universal, but it is expensive for the Medical Care Insurance Commission and the Saskatchewan Hospital Services Plan to extract those claims for payment which presently must be re-routed to the Workmen's Compensation Board. There are also associated problems of double payment to physicians which would be eliminated if a single source was responsible for all payments.

77. The Task Force is fully aware that while the above recommendation will result in an annual saving of some $2 million to the Workmen's Compensation Board, it will also result in an extra $2 million expense to M.C.I.C and S.H.S.P., which increased expense must be borne by the general taxpayers of the Province of Saskatchewan. We recognize the undeniable economic fact that the present tax structure results in the lower income earners paying a disproportionately high percentage of their income in taxes through sales tax, income tax, medical care premiums and the like. The Task Force does not want to overstep its bounds and present a blueprint for tax reform, but we would like to comment briefly that we see no reason for not tying the medical care insurance premiums to income so that the change in the source of payments for the medical expenses of injured workmen will not have to be borne by lower income earners.

Funeral Expenses

78. The Task Force has been informed that in Regina an average funeral can be obtained for approximately $468, plus a cemetery charge of $45 for opening and closing of the grave. Perpetual care for the grave, on the average, amounts to an additional $50. The Task Force therefore recommends that there be an increase in the funeral cost allowance to $525, plus the continuation of the present allowance of up to $50 for the burial plot.

Finances

79. The Task Force has frequently, during the course of this report referred to the question of financing the recommended changes in Workmen's Compensation Board concepts and policies. The Task Force does not consider that all its recommended changes taken as a whole will result in a net increase in Board expenditures. The increased emphasis on rehabilitation and the positive approach to placement may indeed involve an initially higher expenditure but that will, it is hoped, be balanced by the decrease in pension payments as a result of the income maintenance pension concept articulated earlier. In any event, the Task Force has indicated those changes which, in our opinion, can be accomplished by the Workmen's Compensation Board within existing concepts and we have been careful to specify that the introduction of a permanent formula for the escalation of pensions can only be accomplished in conjunction with other changes as recommended in this report. However, if the Workmen's Compensation Board finds that in implementing the recommendations of the Task Force, even with the new sources of income, it is unable to meet its liabilities without an unconscionable assessment against employers in any given year, then the Workmen's Compensation Board must demand of the government that the consolidated revenue fund be utilized to provide whatever extra money is necessary. Governments cannot

legitimately deny their responsibility in this regard. A large portion of the expenditure necessitated by some of the Task Force recommendations will essentially be a catching-up expense. The government cannot lay all the blame for the lag in workmen's compensation benefits at the feet of Saskatchewan's employers. It is the government that sets the standards in this regard and they have been content for too many years to make token changes, more for the sake of an appearance of action than to accomplish any legitimate improvements. The problems associated with compensation did not begin co-incidentally with the reign of a particular government. Therefore, if viable changes are going to require government financing, the government has a moral responsib lity to provide it.

PART VII

REHABILITATION

Definition

80. The importance of rehabilitation was universally stressed in the briefs to the Task Force by employers, employees and the medical staff in the W.C.B. and its consideration was given prominence in the deliberations of the Task Force. It was apparent, however, that many people had a different concept of what rehabilitation was.

81. The Task Force used, as its working definition, that contained in the Occupational Health Act where "occupational rehabilitation" means "measures that assist workers to return to work following injury or disease however caused and that assist persons suffering from the disabling effects of injury, disease or congenital deformity in obtaining or retaining employment".

82. Occupational rehabilitation includes such services as medical and surgical treatment, physiotherapy, occupational therapy, appliance fitting, vocational training, social work and resettlement (a combination of job placement and maintenance).

83. In concept, occupational rehabilitation starts from the time of accident and finishes when the employee is effectively placed in employment; occupational rehabilitation "assists" workers, implying that the cooperation of the worker is essential for the success of the rehabilitative process.

Needs

84. The needs of persons of employable age with respect to rehabilitation were adequately described by Dr. A.F. Huston in his brief to the Task Force:

"Patients disabled by injury, whether caused by industrial accident, farm accident, road traffic accident or injury, or injuries sustained in sporting or recreational life, all have similar needs as far as their medical and rehabilitation program is concerned.

"... the restoration of the ability to work is as important for a farmer injured in the field, or a clerical worker injured in a weekend traffic accident as it is for an industrial worker injured in the course of his occupation.

"It has been a common experience in the Province of Saskatchewan to find patients, usually men, in their late thirties, forties and fifties, who are unemployed following an injury or illness. In many instances these patients had grown up in hard times of the 1930's and with limited education, had gone to work in early adolesence. Usually the work was heavy outdoor labour and required considerable physical ability. Many of these patients have difficulty getting further employment because they are not qualified for any particular skill.

"A comprehensive rehabilitation program in which educational upgrading, assistance in social problems, physical reconditioning and vocational training all play a part, is something which is needed in western Canada as a whole.

"Many individuals drop out of the labour force on account of recurrent or chronic disability, often because it causes recurrent loss of time from work. Typical examples are patients with rheumatoid arthritis or multiple scherosis, patients with chronic heart or

lung disease ... These individuals might well be assisted with a positive occupational rehabilitation program ... In many cases early consideration of the nature of the problem, combined if necessary with planned retraining or more suitable occupation, could enable people to prolong their productive working lives.

"Some patients with serious chronic disabilities could be materially assisted by a more flexible working day and many patients who cannot manage a full working week could have their health materially improved if they were able to work regularly for shorter periods... There is no reason why the principle of a limited working week should not apply to many disabled or chronically ill citizens, ..."

Responsibility

85. Notwithstanding the existence of the need for services related to occupational rehabilitation, the Task Force agreed that the Workmen's Compensation Board should have no moral or financial responsibility for the provision of such services to persons in need, if the cause of the need was not directly related to work situations for which the Board had a responsibility.

86. It was further agreed that those rehabilitation services available to the Saskatchewan population at large under medicare and the Saskatchewan Hospital Services Plan should be equally available to working persons, and that the Workmen's Compensation Board should not be directly or indirectly responsible for financing such services.

87. It was accepted that the Workmen's Compensation Board had a responsibility for seeing that those occupational rehabilitative services which facilitated the early and effective return to work following an injury or disease caused

by the work process were provided and that such responsibility included a financial component. Particular emphasis was placed on responsibility for work conditioning and assessment and job placement.

Previous Rehabilitation Program

88. The Task Force were informed through the written brief of Dr. A.F. Huston, Physiatrist, University of Alberta Hospital, Edmonton, Alberta and previously responsible for the direction of the clinical program at the Physical Restoration Centre (Wascana Hospital) that an organized rehabilitation program for Workmen's Compensation Board patients was operated at the Wascana Hospital from 1961 to 1970. The program was modelled to some extent on programs provided by the W.C.B. to patients in special centres in Edmonton, Alberta and Toronto, Ontario.

89. Testimony given in written and oral briefs to the Task Force indicated that the services provided in Wascana Hospital during this period went some way in meeting the needs of injured persons for whom the W.C.B. had responsibility. Dr. Huston made the following observations concerning the program during this time. "While providing treatment which was reasonably effective in restoring function to injured workmen it was felt by all concerned that the work conditioning element of the program never reached the comprehensive level necessary to restore injured workmen to full and confident productivity. It was felt that the relationship between the program operated for the injured workmen and the social work and vocational training program required for those in whom changes of occupation were necessary was often extremely tenuous and uncertain".

90. In 1970 the services available to W.C.B. patients were severly curtailed. The medical staff of the Workmen's Compensation Board have been very conscious

of the gap in service created since this limited but valuable facility for rehabilitative treatment was no longer available.

91. The Rehabilitation Branch of the Workmen's Compensation Board provides a service to any worker with permanent disability which may prevent return to his pre-accident employment and also to any workman who has an employment problem as a result of an accident. The services provided by the offices of the Branch are those which preferably facilitate placement in previous employment or, if this is not possible, in other employment having regard to the workers functional ability.

Recommendations

92. Because of the curtailing of the rehabilitation program available to W.C.B. patients at Wascana Hospital since its transfer to the South Saskatchewan Hospital Centre, a growing demand for the W.C.B. to create its own rehabilitation facilities has been heard. The Task Force appreciates the reasons for this demand but recommends against the creation of a separate facility in Saskatchewan with a population of under one million persons.

93. The Task Force considers that an effective occupational rehabilitation program is an essential and inseparable requisite of an effective Workmen's Compensation Program and it recommends that the Government of Saskatchewan take immediate and effective steps to ensure that a comprehensive occupational rehabilitation program whose policy is under specialist medical direction, is available at Wascana Hospital or an equivalent location to meet the needs of injured workmen.

94. The Task Force is impressed with the fact that workmen who are injured have

similar needs for rehabilitation services no matter what the cause of their accident and recommends that the comprehensive rehabilitation services be made available to meet the needs of all persons of employable age and not only those who have sustained an illness or injury as a direct result of their occupation.

95. The program of the Rehabilitation Branch of the Workmen's Compensation Board provides a genuine service to injured workmen in the area of job placement or resettlement. The Task Force considers that the title of the Branch is misleading and should be retitled Resettlement Branch to describe more clearly its actual function.

96. The Task Force recommends that the services provided by the Resettlement Branch be increased in volume as many examples were brought to the attention of the Task Force which would have benefited from the Branch's services had their resources been larger. It is recognized that such increase in services to a greater number of injured workmen would involve the necessity for the recruitment of additional staff.

97. The Task Force is impressed with the potential benefits that the Resettlement Branch could bring to persons of working age who had been incapacitated because of injury or illness not occupationally caused and would urge the Government of Saskatchewan and the Workmen's Compensation Board jointly, to give consideration to the Resettlement Branch of the Workmen's Compensation Board extending its resettlement services to all workmen in need of them irrespective of the cause of their functional disablement.

98. The Task Force sees no difference in principle between Wascana Hospital providing a rehabilitation program a part of which is geared to the special needs of injured workmen and which receives financial payments from the

Workmen's Compensation Board and a Resettlement Unit administered by the Workmen's Compensation Board serving the needs of persons with injuries not covered by the Board and for which the Government of Saskatchewan, S.G.I.O. or other agency, would make financial payments to the Workmen's Compensation Board.

99. The Task Force recommends that representation of the Board and/or its medical staff should be included on the management team of the Wascana Hospital to effect an input in the development and management of the facility with respect to the injured workman.

100. It was brought to the attention of the Task Force that major injuries often present very complex medical problems requiring medical teamwork and that many severe injuries in Saskatchewan being treated in small hospitals with limited facilities may not be receiving optimum primary management. The Task Force recommends that the Department of Public Health in conjunction with the medical profession, give consideration to this problem to enable severly injured persons to be transported to the best treatment facilities for primary care that are available and further to develop good regional services for the treatment of injuries. It is considered that criteria could be developed which would indicate which types of injuries could be retained in smaller centres and which should be referred for intensive early care.

101. The Task Force was made aware of an anomaly relating to the placement of functionally disabled workers. On the one hand the Rehabilitation (Resettlement) Branch of the Workmen's Compensation Board is actively encouraging employers to employ disabled workers whilst all too often larger companies are employing physicians to medically examine new candidates for employment in order to screen out any with functional disability.

102. The Task Force would urge that the needs of the people of Saskatchewan would be best served by a service which places greater emphasis on placing persons in an appropriate job best fitted to their physical and psychological makeup. Consideration should be given to identifying particular jobs or industries where disabled persons can be employed so that the true working needs of such persons can be met. The Task Force recommends that the Workmen's Compensation Board, the Government of Saskatchewan and Crown Corporations should take a lead in placing persons in employment who are disabled on account of illness or injury.

103. Various representations to the Task Force centered around the definition and availability of light work; it is recommended that the Workmen's Compensation Board in conjunction with the medical profession define various categorized descriptions of light work which could be made available to all doctors or alternatively devise a method by which the attending physician could clearly indicate the functional impairment of his patient.

104. The Task Force would like to stress the importance of specific vocational training in order that individuals who have been completely excluded from their prior working environment by reason of injury or illness may be re-trained. However the Task Force would like to be extremely careful not to over-emphasize the retraining of the injured individual rather than assistance in job placement for that individual.

PART VIII

OTHER CONSIDERATIONS

Extension of Workmen's Compensation Coverage

105. Except where application for voluntary coverage is made and approved by the Board, the following employment is not now covered by the Workmen's Compensation system: (a) By the definition of "workman" in the Act, schoolteachers are excluded. Several years ago the Board proposed inclusion of these people but this was opposed by their organization on the grounds that there was little risk of injury and adequate insurance was provided by the employing bodies. (b) Section 7 of The Workmen's Compensation (Accident Fund) Act excludes employment of a casual nature and employment otherwise than for the purposes of the employer's trade or business; outworkers; and those employees involved in farming, ranching or domestic or menial occupations. (c) Board regulations presently exclude a fairly long list of employment categories "due to the sporadic and transient nature of the work and the impracticability of obtaining an accurate record thereof."

106. The Task Force is quite aware of the fact that its recommendation with respect to a universal sickness and accident insurance scheme cannot be immediately implemented, and in the interim period the Task Force would strongly recommend the general principle of universal workmen's compensation coverage of all salary and wage earners. We would suggest that to further this principle, the Act should be amended to state that all employees are covered unless specifically excluded by regulation. Those parts of the Act which presently exclude certain types of employment should be deleted. The Task Force is particularly concerned that farming and schoolteaching should be included within the coverage of the Act.

107. With respect to farming in the province, the Task Force would strongly recommend the approach taken in Ontario, where it is specified that all farmers who employ full-time or part-time employees must be covered by the workmen's compensation system, while coverage is elective for farmers and their wives where there is not a full-time or part-time employee. We would point out that farming is one of the most hazardous occupations, if not in terms of the total number of accidents, at least in terms of the number of serious, permanently disabling injuries. Two fairly recent decisions of our courts of law have given added impetus to the necessity for extending coverage in this area; in one, a farm employee was awarded a $75,000 claim against his farm employer for an injury suffered while stacking bales, and in the other, a farmer had to pay a large amount in damages to an employee who lost a limb through an accident involving a grain auger. Clearly this situation is not in the best interests of either the farmer or his employee. A good number of farmers would not be able to pay such large amounts, which would leave the employee in an unfortunate position, and many farmers, even if they could pay, would have to sell their land to do so, which again would be unfortunate. Accidents such as those described can just as easily happen to an employee who is hired for one day as to one who is permanent, which would make coverage for full-time employees an incomplete solution. In Saskatchewan, coverage of farming operations is still completely optional and although the option has been available since July 1, 1971, only 59 farm undertakings are presently insured. The chief foreseeable problem in this regard is the collection of premiums from individual farmers and we would suggest that other governmental departments such as the Department of Municipal Affairs may have to be consulted by the Workmen's Compensation Board in order to

develop an adequate system for collecting premiums.

108. We feel that it is vital for farmers to be informed, not only of their obligations with respect to their employees, but of their right to participate in Workmen's Compensation Board coverage themselves and of the advantages of such participation. Therefore we strongly recommend that the Board carry out an extensive advertising campaign aimed at explaining the obligations and advantages of workmen's compensation to the farming population.

109. Finally, the Task Force would recommend that given the general principle of universal coverage of all salary and wage earners, if at all possible the Workmen's Compensation Board should review its list of undertakings excluded by regulation of the Board in order that only those occupations that would be completely impossible to adequately cover should remain excluded from the compulsory coverage of the workmen's compensation system. We would note that inclusion of new groups in the workmen's compensation system will result in a certain amount of increased revenue to the Board from assessments, which, in low risk industries, should more than equal the increased expenditures necessitated. This may have the end result of increasing the amount of money available to the Board to make the other changes the Task Force has recommended. At the very least, the administrative costs of the Board will be more widely shared, with the new groups assuming some of these costs.

Third Party Recovery

110. Section 35 of The Workmen's Compensation (Accident Fund) Act provides basically that where an accident happens to a workman under such circum-

stances that he would be entitled to bring an action in common law, he must make an election between bringing such an action or taking compensation. Essentially, this involves a situation where one of the parties to an accident is not covered by the workmen's compensation system. If the individual in these circumstances elects to take compensation, the Board is subrogated to his right of action and if the Board wins more than the compensation payable, the Board gets to keep the excess. The Task Force considers it unfair that an injured individual should be required to make such an absolute choice between a cause of action at common law and the right to compensation under the Act. The Task Force recommends that individuals in these circumstances should receive compensation with subrogation of the individual's rights to the Workmen's Compensation Board if the Board elected to sue the other party involved. The Board should then be required to pay any excess overdisbursements (disbursements including capital reserve if the present pension system requiring pension reserves is maintained) to the workman. If the Board elected not to sue the individual and the injured workman disagreed with this decision, the injured workman should have the right to bring his own action against the third party, and if he was successful in an amount less than the compensation payable, the Board could pay him compensation based on the difference between the two, while if he was successful in an amount greater than the compensation payable, he could be required to reimburse the Board in the amount they had already paid him.

Secrecy of Doctors' Reports

111. The Task Force has heard a great number of comments during the course of the public hearings about the fact that doctors' reports to the Work-

men's Compensation Board are kept confidential and are not given to the injured worker or his solicitor. This matter was raised at the meeting between the Saskatchewan Medical Association and the Task Force and it was fairly clear at that meeting that the Medical Association feels very strongly regarding the necessity of confidentiality of doctors' reports. While the point of view of the doctors is not necessarily the correct one, the Task Force does recognize that cooperation from the medical profession is necessary if the workmen's compensation system is to function adequately. Therefore, we would recommend that the actual doctors' reports submitted to the Workmen's Compensation Board not be provided to the injured individual that was the subject of the report. However, we would recommend that the doctor's report be available to the Workman's Advocate and that he be entitled to pass on to the workman the substance of the report while exercising his discretion as to how much of the substance should be passed on. As well, enough information from the doctor's report should be given to an individual whose claim is rejected in order for him to feel reasonably confident that the rejection was made on a logical and reasonable basis. Lack of adequate communication to the individual workman about the reasons for the acceptance or denial of a claim has been responsible for encouraging a great deal of the suspician and distrust which presently seems to exist within certain individuals about the procedures of the Board.

Merit Rating

112. Another subject which came in for a great deal of discussion during the public hearings and during the deliberations of the Task Force, was some sort of merit rating system which would involve different assessments

for those employers who had either an abnormally good or abnormally bad safety record. A fairly large number of different approaches were mentioned, but essentially they were all variations on two simple themes; one being that an individual employer or group of employers with a bad safety record could receive a penalizing assessment so that their payments to the Workmen's Compensation Board would be substantially higher; or to go in the other direction, an individual employer or group of employers with an abnormally good safety record could be given a substantially lower assessment. The advantages of a merit rating system are probably obvious, while the disadvantages may not be. Essentially, such a system can lead to resistance on the part of some employers to recognize injuries or Workmen's Compensation Board claims, or an overenthusiasm for getting individuals back to work before they are ready to in order that their time-lost record does not appear so great. As well, a merit rating system can lead to employers refusing to hire people who are arbitrarily considered to present a risk of injury. Finally, basing a merit rating system on the occurrence of accidents is not necessarily a good test of the employer's responsibility, in that even the best employer can have a series of unfortunate and unlikely-to-recur accidents in any given year. It should be pointed out that the Board already does increase assessments on either an individual or group basis if the accident experience of that individual employer or group of employers has been too high. The main concern of the Board in this regard is the cost of those accidents in that assessments are increased to cover the higher expenditures.

113. The Task Force feels that while the present practice of the Board in

increasing assessments on the basis of accident experience should not be discontinued, indeed is the only practical alternative, for the reasons indicated above a more formalized merit-demerit system should not be adopted. An automatic 'merit' system involving a lowering of the assessment for an employer or group of employers on the basis of a good safety program is particularly impractical. With respect to a demerit system used as a penalizing assessment, we would point out that the Occupational Health Act was designed to improve the safety and health of persons at work, and that within that Act there are penalties for employers who violate safety regulations. It would be much preferable to use that latter Act to encourage safe procedures than to use the system of workmen's compensation assessments in a way that it was not intended to be used.

Rural Municipalities

114. Section 5 of the Act in dealing with reeves and councillors of rural municipalities sets annual earnings at $2,400 subject to the proviso that on the recommendation of the Board this can be increased by Cabinet order. The Board, we are informed, accepts requests from individual municipalities for coverage to the current maximum of $8,400. However, there are still some municipalities who do not apply for additional coverage. This is not a theoretical consideration in that a recent case involved a councillor who was only insured at the minimum level of $2,400 whose left hand is useless as a result of an injury that occurred while he was performing his duties as a councillor. On this basis, the Task Force would recommend that the annual earnings of a rural municipal councillor should, for the purposes of the Act, be considered to be a minimum of

at least $3,600.

Classification of Industries

115. It is the opinion of the Task Force that the classifications for purposes of assessment contained in the Workmen's Compensation (Accident Fund) Act are not sufficiently amalgamated for the purposes of fairness and efficiency. As an example, the cities of Moose Jaw, Regina and Saskatoon are assessed individually and other cities are in a separate classification. Such a system of classification is indeed contrary to the principles of the Workmen's Compensation (Accident Fund) Act. The Task Force therefore recommends that the Workmen's Compensation Board review the system of classification of industries for assessment purposes.

Annual Report

116. The Task Force is aware that annual reports tend, as a general rule, to be straightforward descriptions of functions and programs that have been more or less successfully carried on by the agency reporting during the previous fiscal year. However, we would suggest that the annual report of the Workmen's Compensation Board could be a very useful tool for the Board if it made an effort to point out deficiencies in its programs rather than just outlining the functions that have worked well in the preceding year. Deficiencies in financing, in legislation or in facilities could be brought to the attention of the public and the government through the mechanism of the annual report. As well, deficiencies in Board policies which have been recognized and corrected could be identified to the government and other interested parties. The Task Force feels that the introduction of a constructively self-critical aspect into the annual report would do much to make it a more useful document.

117. In addition, the Task Force recommends that the following information should be included in the annual report: the interest rate on investments should be specified; the number of people employed with the Workmen's Compensation Board should be detailed; information about that part of the Occupational Health and Safety programs of the Department of Labour which are paid for by Workmen's Compensation Board assessments should be provided; and the accident frequency and severity of the past year should be referred to in more detail so that the actual information is more readily discernible.

118. The Task Force is concerned that even given the changes recommended above, the annual report will not be a sufficient source of information about the Workmen's Compensation Board because it is only published yearly. People who are actively concerned with questions of safety and health at work have need of a more continuous source of information than a yearly publication. Further, the Task Force feels that this continuous source of information, to be most valuable, should not only include descriptions of the activities and outlook of the Workmen's Compensation Board, but should include details about the programs and progress of the Occupational Health and Safety Division of the Department of Labour; information about the more general activities of the Department of Labour with respect to safety and health; and information on the programs and activities of the Department of Public Health as they relate to the working environment. We would recommend that the above information be provided by way of a monthly or quarterly bulletin and it would seem logical to assume that such a bulletin could be best published by the Department of Labour. However the information is provided, we strongly feel that with the implementation of the new Occupational Health Act that there will develop a real need for

a continuous source of information about the activities and plans of the various government agencies and departments involved in the field of occupational health and safety and we do not feel that this information can be adequately provided by means of a yearly annual report.

Occupational Diseases

119. The Task Force is concerned that the schedule of occupational diseases as specified by the provisions of the Workmen's Compensation (Accident Fund) Act and by the regulations of the Workmen's Compensation Board have not kept pace with knowledge regarding occupational health hazards. We note that if a workman contracts a disease that is specified in the schedule to the Act while employed in the corresponding type of employment specified in the schedule, there is a presumption that his disease was caused by the nature of his employment. We recognize that where a workman contracts a disease not specified in the schedule or contracts it in an occupation not specified in the schedule, he is still entitled to compensation if he can establish that it is reasonable to assume that the disease was caused by his employment. However, in a great many situations it would be impossible for the workman, or indeed for the Board, to establish with any reasonable degree of certainty whether or not a particular disease was contracted because of a particular type of employment. Therefore, an individual who has a disease not specified within the schedule to the Act may be in an unfortunate position with respect to receiving adequate compensation. A number of specific problems were identified to the Task Force during the course of its public hearings, such as the problem of diseases caused by the use of new chemicals at a place of employment; the development of rheumatism and arthritis in miners who

work in hard rock mines; the problems associated with industrial deafness; the incidences of coronary problems and certain respiratory diseases in firemen; and the occurrence of respiratory problems in grain handlers. We would therefore recommend that the Workmen's Compensation Board instigate meetings between representatives of the Saskatchewan Medical Association and the Occupational Health and Safety Division of the Department of Labour, and undertake in conjunction with these people a comprehensive review of the schedule of industrial diseases. We would further recommend that this comprehensive review be carried on annually and that representations from both employer groups and unions be consulted by the review committee before making its recommendations with respect to the updating of the schedule of occupational diseases. In order that there be pertinent information available for the purposes of adequately reviewing the schedule, the Task Force also recommends that there be an on-going analysis of health data on an occupational basis, including an analysis of the occupational incidence of cancer, so that statistical information respecting the frequency of diseases on an occupational basis may form the foundation for decisions about the inclusion of new diseases in the schedule.

120. It is recognized that such an analysis of health data can more easily be carried out if there is but one computerized health data source. The Task Force recommends that such a health data source inclusive of cancer services be identified, to allow for occupational evaluation.

121. We note that Section 40 of The Workmen's Compensation (Accident Fund) Act provides that the employer and the Board must be notified of an accident or disablement within six months of its occurrence in order for an individual to be entitled to compensation. We recognize that the Act specifically states that failure to give the prescribed notice does not bar

the right to compensation if the Board is of the opinion that the claim for compensation is a just one and ought to be allowed. Notwithstanding that provision, however, we feel that the problem of occupational diseases is, in one sense at least, altogether unique from the problem of industrial accidents, particularly with respect to determining when the disease occurred or when it first became disabling. Therefore, we would suggest that the Act clearly specify that the six-month limitation period does not in any way apply to those workmen with industrial diseases.

122. Finally, we would note that the Act specifies that compensation is to be payable to a workman who suffers from an industrial disease only when he is thereby disabled from earning full wages at the work at which he was employed. We would point out that the adoption of the new theory of compensation as outlined earlier in this report would require a corresponding change in this section of the Act in order that a workman suffering from an industrial disease could receive his basic compensation payment for loss of function, even if he was still able to earn full wages while suffering from the disease.

Hernia

123. The Task Force can see no justification for the provisions in The Workmen's Compensation (Accident Fund) Act which single out hernia as being a distinct injury, treated differently from other injuries which occur during the course of employment. If the hernia is caused by injury it should be compensated for in the same fashion as any other injury and not singled out for discriminatory mention. There may be a question about when and how a hernia started but these questions must be dealt with in a large number of the claims that come before the Workmen's Compensation Board in any event. Therefore, the Task Force recommends that that particular section of the Act

which specifies that hernia is treated differently than other injuries should be repealed and hernia should be treated the same as any other injury occasioned during the course of employment.

Workmen's Compensation Board Facilities

124. The Task Force has noted obvious over-crowding in the present facilities of the Workmen's Compensation Board and recommends that appropriate steps be taken to remedy the situation. We would point out that there is at present an accumulated appropriation of $257,025 to the Workmen's Compensation Board Building Fund and we recommend that this fund be used to build an addition to the present building.

Injury During Rest Periods

125. It was submitted to the Task Force that on occasion in the past injured individuals have been refused compensation on the basis that their injury was sustained during an authorized rest period. However, we saw no evidence to support this conclusion and the suggestion was vigorously denied by the Workmen's Compensation Board. The Task Force would only point out that coffee breaks and other authorized rest periods can only reasonably be considered to be part of a workman's course of employment and would recommend that the Board continue to pay compensation for injuries which arise during such periods.

Unusually Dangerous Conditions

126. There is at present no legislation in Saskatchewan which attempts to give job protection to an employee who refuses to do an unusually dangerous act at his place of employment. We recognize that an employee may refuse to do an unusually dangerous act but such a refusal on his part is always

at the risk of being severely disciplined. We do not want to suggest that a majority or even a large minority of Saskatchewan's employers require their employees to undertake actions that clearly involve an unusual danger to health or safety. However, we are mindful of the fact that accidents occasionally occur as a result of an employer specifically requiring an employee to do something that both employer and employee should realize is unusually unsafe. Therefore, the Task Force recommends that legislation should be introduced giving employees the right to refuse to do an unusually dangerous act and specifying that an employer may not fire or discipline an employee for such a refusal.

Common-Law Spouses

127. The Workmen's Compensation (Accident Fund) Act presently provides that a common-law wife may be considered a dependent widow if the deceased was maintaining her for a period of five years, or, if they had one or more children, for a period of three years. The Task Force would suggest that such a lengthy period does not take account of present day realities. Further, the Task Force would suggest that if a common-law wife can be dependent on her common-law husband then the same should be true in reverse, in that a common-law husband may at times be dependent on his common-law wife. Therefore, we recommend that the legislation be amended to provide that a dependent common-law spouse who had been dependent for two or more years preceding the death of one of the spouses should be entitled to pension benefits under the Act.

Interprovincial Coverage

128. The Act provides that the Workmen's Compensation Board may make agreements with other provinces that a workman who is temporarily working outside of

the province may still be covered by workmen's compensation subject to the terms of the agreement with the other province. However, it was brought to the attention of the Task Force that the Saskatchewan Workmen's Compensation Board has no such mutual agreement with the Yukon and Northwest Territories. Therefore, we recommend that the Workmen's Compensation Board immediately undertake to enter into an agreement with the Yukon and Northwest Territories similar to the agreements they have with other Canadian provinces.

Safety Instructors for Employer Associations

129. It was recommended to the Task Force that the Workmen's Compensation Board should make available to those employer associations that have a large number of small employers the services of a safety instructor who would be answerable to the Workmen's Compensation Board and to the employer association involved. While the Task Force would endorse the idea that those firms who are too small to justify the services of a full-time safety instructor should be able to share the services of such an individual, we do not recommend that such an individual should be made available at the expense of the Workmen's Compensation Board. If such a safety instructor was successful, the end result would no doubt be a reduction in the assessments made against that particular group of employers in any event as the Workmen's Compensation Board assessments are related to the cost of the accident experience of the employer group involved.

130. We would note that the Task Force is not unanimous in making this recommendation with respect to the Safety Instructors for employer organizations.

APPENDIX A

MINORITY REPORT OF NELSON THIBAULT (MEMBER)

131. While I agree with almost all of the recommendations contained in the Report of the Task Force on Workmen's Compensation in Saskatchewan, and join with my fellow Task Force members in hoping that on the basis of the recommendations we have made the system of Workmen's Compensation in this province will become a model for other provinces and countries to follow, I must respectfully differ on three specific recommendations as made by the majority of the Task Force. Basically I submit that the three recommendations in question, while a definite improvement over the present situation, still do not go far enough in providing adequate compensation for injured workmen.

Minimum Pensions

132. The majority of the Task Force has recommended that the minimum pension payable to a workman who suffers a total disability as a result of a work accident should be $250.00 per month. I would recommend that the minimum pension payable should be not less than $303.33, an amount equal to the present minimum wage in Saskatchewan. If that is the amount that the legislature has determined to be the minimum payable to a working person, then I can see no justification for paying someone who is disabled from working any lesser amount.

75% of Prior Income

133. The provision that a totally disabled workman will receive as a disability pension an amount equal to 75% of his income at the time of his injury should be removed from the legislation. If that is not possible the provision should be replaced by a graduating system which in application would result in the compensation payable being more closely related to a workman's full income.

While such a graduating system would involve more work for the Board's staff in making the necessary calculations, such a consideration need not be the deciding factor, and it is submitted that the amount of extra work involved would not be all that significant in any event.

134. A table for the purposes of calculating pension payable such as the following should not be difficult to utilize.

Up to $4000.00 income at time of accident, full compensation payable.

$4000.00 - 4,500.00 income at time of accident, 99% compensation payable.

$4,500.00 - 5000.00 income at time of accident, 98% compensation payable.

(As income at the time of accident increases by $500.00 the percentage of that income payable as compensation decreases by 1% in the above table.)

$11,000.00 to $11,500.00 income at time of accident, 85% compensation payable.

$11,500 and over income at time of accident, 85% compensation payable.

In no case should compensation be payable at a rate less than 85% of the worker's income at the time of accident.

Widows and Widower's Pensions

135. I would recommend that the pensions payable to widows and widowers should not be less than the prevailing minimum wage in the province, which is presently $303.33 per month.

136. The pension payable with respect to a dependent child should not be less than $70.00 per month, and with respect to an orphan should not be less than $85.00 per month.

All of which is respectfully submitted.

Nelson Thibault

APPENDIX B

MINORITY REPORT OF EDWARD S. HLASNY (MEMBER)

137. I basically agree with the majority of the recommendations in this Report. I think that the recommendations will go far towards making our system of Workmen's Compensation one of the best in existence. However, I feel I must express some reservations and disagreements about certain specific parts of the majority Report.

A Universal Sickness and Accident Insurance Scheme

138. I would like to point out that while the development of some type of universal income protection scheme would be a definite improvement if the mechanics of such a scheme prove possible, the development of a universal scheme should in no way be allowed to impinge upon the separate identity and autonomy of the Workmen's Compensation Board. A universal scheme would not likely be as beneficial to the individuals concerned as the present Workmen's Compensation system is, and I would not like to see the beneficial aspects of our present system sacrificed in order that a more overall approach could be developed.

Payment of Compensation under the two headings of Loss of Bodily Function and Income Maintenance

139. Although the new theory of compensation payments elaborated in the Report sounds theoretically plausible, I have some misgivings about the practicability of the new approach. I am particularly concerned that such an approach would not meet the approval of working people and other groups in this province.

Wider Input into the Policy Jurisdiction of the Workmen's Compensation Board

140. I disagree with the recommendation of the majority with respect to a wider source of policy input into Board decisions. I think the present three-man Board is quite satisfactory in this respect, although I think the Board members could be utilized to a fuller extent in such areas as public relations and liaison with various groups in the province. I see no need for the changes recommended.

Safety Instructors for Employer Associations

141. I would recommend that safety instructors for employer associations be paid for by the Workmen's Compensation Board. The money thus expended would be recovered from the assessment against that employer group in any event and as a practical, administrative matter it would be much simpler for all concerned if the Board were to collect the necessary money.

Medical Expenses

142. I disagree with the recommendation that the Medical Care Insurance Commission and Saskatchewan Hospital Services Plan assume the responsibility for the payment of the medical and hospital expenses of workmen for accidents covered by Workmen's Compensation. The Board is more efficient in getting payments sent out to the individual involved within a reasonable time. Even if M.C.I.C. and S.H.S.P. were to assume this responsibility there would still have to be a cross-checking of payments in any event for the purposes of Board administration.

Safety

143. I would strongly recommend the development of a basic safety course for employees in this province within the framework of The Occupational Health Act, similar to the supervisor training course that had a good measure of success in the past few years.

Unusually Dangerous Conditions

144. I disagree with the recommendation that legislation be introduced giving employees the right to refuse to do an unusually dangerous act because I believe that there is an adequate mechanism for such protection under The Occupational Health Act.

All of which is respectfully submitted.

Edward S. Hlasny

APPENDIX C

MINORITY REPORT OF R.G. FOWLER (MEMBER)

Payment of Compensation Under the Two Headings of Loss of Bodily Function and Income Maintenance

145. While agreeing with almost all of the recommendations in this Report, I would simply like to join with my fellow member, Mr. Hlasny, in expressing misgivings about the practicality of the new approach recommended in the new theory of compensation outlined in the Report.

Respectfully submitted by

R.G. Fowler